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COMMITTEE ON THE RIGHTS OF THE CHILD

Fifth session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION

Concluding observations of the Committee on
the Rights of the Child: Namibia

1. The Committee considered the initial report of Namibia (CRC/C/3/Add.12) at its 109th and 110th meetings (CRC/C/SR.109-110), held on 13 January 1994, and adopted* the following concluding observations:

A. Introduction

2. The Committee welcomes the ratification of the Convention by the Government of Namibia. The Committee also wishes to express its appreciation to the State party for the particularly detailed and comprehensive report prepared and for the frank and constructive dialogue with the delegation.

B. Positive aspects

3. The Committee welcomes the political commitment within the country to improve the situation of children. The Committee also wishes to express its appreciation as regards the Government's willingness to be self-critical and to search for creative and innovative approaches to address the problems facing children in society. The Committee takes particular note of the following initiatives: the activities undertaken to promote greater public awareness of the rights of the child, also among children themselves; the encouragement of cooperation with the local, national and international

* At the 130th meeting, held on 28 January 1994.

communities in efforts to promote and protect the rights of the child; the Early Childhood Protection and Development Programme; the "street children" programme; the "Discipline from Within" Programme in the schools; and the development of Youth Councils. With regard to the latter two programmes, the Committee underlines their importance in respect of the possible measures to be taken to make a reality of various provisions of the Convention, particularly its article 12.

4. The Committee also notes with interest the suggestion that more vocational schools be established to try and reduce the level of school drop-outs.

C. Factors and difficulties impeding the implementation of the Convention

5. The Committee takes note that Namibia became an independent State in 1990 having suffered the consequences of colonial administration, apartheid and war. The Committee recognizes that these factors, combined with the problems of poverty, have had a constraining influence on the implementation of the provisions of the Convention. In particular, the Committee draws attention to the legacy of laws from the pre-independence period which are contrary to the provisions of international instruments and the Namibian Constitution.

D. Principal subjects of concern

6. The Committee observes that Namibia is not yet a State party to all the major international human rights instruments and is concerned that the reform of much national legislation remains to be undertaken to bring it into conformity with the provisions of the Convention on the Rights of the Child. In this connection, the Committee notes the contradictions to be found in national legislation with respect to the definition of the child.

7. The Committee is concerned at the extent of discrimination on the ground of gender as well as against children born out of wedlock and children in especially difficult circumstances. It also expresses concern at the discrimination practised against children with disabilities.

8. Certain phenomena which may have a possible negative impact or consequence on the situation of children, such as: teenage pregnancies, the high incidence of households headed by a single person, and the apparent lack of widespread understanding among parents of their joint parental responsibilities, are of concern to the Committee.

9. The Committee also takes note of the problems involved with improving the quality of education.

10. Equally, the Committee is concerned at the situation of children in especially difficult circumstances, including the incidence of child labour, particularly on farms and in the informal sector, and the number of children dropping out of school.

11. As regards the system of juvenile justice in place in Namibia, the Committee is concerned as to its conformity with the Convention on the Rights of the Child, namely its articles 37 and 40, as well as with relevant

international instruments such as the Beijing Rules, the Riyadh Guidelines and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty.

E. Suggestions and recommendations

12. The Committee recommends that consideration be given to the possibility of Namibia becoming a party to all the major international human rights instruments, and suggests that the State party may wish to request assistance from the United Nations Centre for Human Rights in this regard.

13. Equally, the Committee suggests that the State party fully integrate the Convention on the Rights of the Child into the national legal framework and into national plans of action for the implementation of the rights of the child. Moreover, the Committee recommends the early adoption of a new Children's Act which will take fully into account the principles and provisions of the Convention on the Rights of the Child and observations made by the Committee during its dialogue with the State party.

14. While noting with satisfaction the establishment of an Ombudsman's Office which has a mandate to deal with complaints of human rights violations, including those relating to children, the Committee suggests that the State party evaluate the work of the present Ombudsman Office to protect the rights of the child with a view to determining whether any further measures would be required to support the Office in its endeavours to contribute to the implementation of the rights of the child.

15. The Committee notes the important role being played by community leaders in efforts to improve the implementation of the rights of the child, particularly in order to overcome the negative influences of certain traditions and customs which may contribute to discrimination against the girl child, children suffering from disabilities and children born out of wedlock. The Committee also encourages the State party to continue to fully involve civil society and NGOs in activities to promote and protect the rights of the child.

16. Concerning the implementation of the rights of children to participate and express their views, the Committee is interested in receiving more information in the State party's next report on the functioning of the Youth and School Councils and of their involvement in any initiatives to address problems facing children and youth.

17. The Committee notes the clear recognition by the State party of the problems facing children in the family situation and the need to develop programmes, such as the training of social workers, education in family planning and the establishment of an alcohol and drug abuse centre, to address these problems. It also suggests that research be undertaken on the issue of sexual abuse within the family context.

18. With regard to educational matters, the Committee encourages the development of the initiative to provide more training to schoolteachers as a means to improve the quality of education and provide an opportunity to raise awareness within this profession of the rights of the child.

19. The Committee recommends that the study on marginalized groups of children be undertaken as a matter of priority.

20. The Committee is of the opinion that the system of the administration of juvenile justice in the State party must be guided by the provisions of articles 37 and 40 of the Convention on the Rights of the Child as well as relevant international standards in this field, including the Beijing Rules, the Riyadh Guidelines and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty. Moreover, it is suggested that measures be taken to train law enforcement officials, judges, personnel working in detention centres and counsellors of young offenders about international standards for the administration of juvenile justice. The Committee underlines the need for technical assistance programmes in the light of these recommendations and encourages the State party to continue its cooperation with the Centre for Human Rights, the Crime Prevention and Criminal Justice Branch of the United Nations Secretariat and UNICEF in this regard.

21. The Committee also recommends that the State party ensures that its policy and legislation on the issue of child labour is in conformity with the provisions of the Convention on the Rights of the Child and relevant ILO Conventions.

22. Furthermore, the Committee suggests that the State party undertake measures and programmes to educate the general public on parental responsibilities and to consider the possiblity of providing counselling in this regard. In addition, the Committee recommends that the State party, in its efforts to further disseminate awareness of the Convention on the Rights of the Child, make widely available, by appropriate means, the State party report, the summary records and the concluding observations by the Committee.

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